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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/599,852

10/11/2006

Adriana Sartor

1610-122

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30448

7590

01/23/2009

AKERMAN SENTERFITT

P.O. BOX 3188

WEST PALM BEACH, FL 33402-3188

EXAMINER

THOMAS, BRADLEY H

ART UNIT

PAPER NUMBER

2835

MAIL DATE

DELIVERY MODE

01/23/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/599,852	Applicant(s) SARTOR, ADRIANA	
	Examiner BRADLEY H. THOMAS	Art Unit 2835	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 October 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2 and 4-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2 and 4-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. Acknowledgement has been made of the amendment filed 10/17/08.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-2 and 4-8 are rejected under 35 U.S.C. 102(b) as being anticipated by Englund (US 4,567,458).

Regarding Claim 1, Englund teaches a bimetallic thermostat with exchange contact comprising:

- an external support covering (24) and;
- an internal device (see internal view of Fig. 1), wherein said internal device comprises a pierced base (26) provided with a packing (42) and electric contacts (50) to the outside of the bimetallic thermostat (see Fig. 1);
- a relay (46, see col. 7, lines 26-50) electrically connected (e.g. grounded) with said base (26), and
- a sensitive thermostatic element (12) electrically connected with said relay (46), wherein a printed circuit (40) is interposed between the sensitive thermostatic

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element (12) and the relay (46) to provide said electrical connection (see col. 7, lines 26-37);

- wherein said sensitive thermostatic element (12) is electrically connected with said printed circuit (40) by means of conductive feet (18 and 22) (see col. 6, lines 21-25).

Regarding Claim 2, Englund teaches:

- said relay (46) is electrically connected with said base (26) by means of electric wires (leads of 46, see Figs. 1, 3 and 4).

Regarding Claim 4, Englund teaches:

- said electric contacts (50) to the outside of the bimetallic thermostat consist of external feet (see Fig. 1) with which electric wires (leads of 46) are (electrically) connected (via the common electrical connection via board 40).

Regarding Claim 5, Englund teaches:

- said external covering (24) is partially provided with an external connection thread (see 30 in Fig. 1).

Regarding Claim 6, Englund teaches:

- said printed circuit (40) comprises first holes (see Fig. 3) for the ends of wires (ends of 50) connecting the electric contacts (50) with the printed circuit (40), and second holes (see Fig. 3) for the fastening of the relay (46) and printed circuit routes (see col. 7, lines 63-65).

Regarding Claim 7, Englund teaches:

- said printed circuit (40) comprises slots (in 32) to house the conductive feet (e.g. 22) (see Figs. 6-7 and col. 7, lines 26-30).

Regarding Claim 8, Englund teaches:

- the relay (46) is supported by said pierced base (26) (see col. 8, lines 4-12).

Response to Arguments

4. Applicant's arguments filed 10/17/08 have been fully considered but they are not persuasive. A new interpretation of Englund is provided. In regards to Applicant's comments about the relay (e.g. 46) of Englund, the examiner respectfully submits that element 46 (in combination with 10 and 48* performs as a switching means, and thus can be interpreted as a relay in general terms (see Fig. 5). Applicant is recommended to further claim the relationship between the plate and the feet (see specification page 2, line 28-page 3, line 2).

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following references teach temperature responsive switches: Short et al. (US 2,759,066), Johnson et al. (US 3,234,350), Yasuda et al. (US 4,628,295), Nietert (US 4,842,419), Bletz (US 4,887,062), Noma et al. (US 5,660,473) and Morin et al. (US 6,737,952).

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BRADLEY H. THOMAS whose telephone number is (571)272-9089. The examiner can normally be reached on 7:00am - 3:30pm (Eastern).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jayprakash N. Gandhi can be reached on 571-272-3740. The fax phone

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number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

BHT

/Jayprakash N Gandhi/
Supervisory Patent Examiner, Art Unit 2835